

1 HB62
2 52931-2
3 By Representative Graham
4 RFD: Education Finance and Appropriations
5 First Read: 04-MAR-03
6 PFD: 02/28/2003

SYNOPSIS: Currently, the responsibilities for implementing federal and state workforce development, education, and training programs and services are assigned to several state agencies including the Alabama Department of Economic and Community Affairs, the Alabama Department of Industrial Relations, the State Department of Education, the Postsecondary Education Department, and the Department of Human Resources.

 This bill would transfer and consolidate responsibility for administering the various programs for workforce development, education, and training to the Postsecondary Education Department. This bill would transfer personnel and appropriations for the workforce development programs from the various agencies to the Postsecondary Education Department.

A BILL
TO BE ENTITLED

1 AN ACT

2
3 To transfer the workforce education and development
4 programs and services from various Alabama agencies to the
5 Postsecondary Education Department; to provide for the
6 transfer of personnel and their rights, due process, and
7 benefits; to provide that funding, duties, powers, and
8 functions of the programs be transferred; to provide for the
9 coordination of actions; and to provide an effective date.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall be known and may be cited
12 as the Alabama Workforce Education and Development Act of
13 2003.

14 Section 2. The purpose of this act is to provide for
15 a unified plan for workforce education and development for the
16 State of Alabama. It is the intent of the Legislature to
17 maximize state, federal, and private resources available for
18 workforce education and development, to comply with provisions
19 of federal law related to workforce investment and
20 development, and to provide a central focal point for
21 workforce education and development responsibility and
22 accountability. It is further the intent of the Legislature to
23 increase the employment, retention, and earnings of workforce
24 development participants; to increase the occupational skill
25 attainment of workforce development participants; and to
26 improve the quality of the workforce, reduce welfare

1 dependency, and enhance the productivity and competitiveness
2 of the citizens of Alabama.

3 Section 3. On the effective date of this act, there
4 shall be transferred, as provided in Section 4, from the
5 agencies enumerated below to the Postsecondary Education
6 Department the workforce education and development programs
7 listed and all other state and federal programs related to
8 workforce education and development.

9 (1) Alabama Department of Economic and Community
10 Affairs:

11 a. Workforce Investment Act Program.

12 1. Governor's Set Aside Program.

13 2. Adult Programs.

14 3. Dislocated Workers Programs.

15 4. Youth Programs.

16 b. Migrant and Seasonal Farm Worker Program.

17 c. Welfare-to-Work Program.

18 d. School-to-Work Program.

19 e. Alabama Career Information Network (ACIN).

20 f. Dislocated Workers - Toll Free Helpline.

21 g. Community Audit Demonstration Projects.

22 h. Alabama Customized Employment Programs.

23 i. Appalachian Regional Commission Workforce
24 Development Programs.

25 j. Delta Regional Authority.

26 (2) Alabama Department of Industrial Relations:

27 a. Job Corps Program.

1 b. Services to Veterans Program.
2 c. Trade Readjustment Assistance and North American
3 Free Trade Act Programs.

4 (3) Alabama Department of Education:
5 Carl D. Perkins Vocational and Applied Technology
6 Act, Amendments of 1998.

7 (4) Alabama Department of Human Resources:
8 a. Food Stamp Employment and Training Program.
9 b. Job Readiness Program.
10 c. Temporary Assistance to Needy Families (TANF) and
11 Community Services Block Grant Education and Training Program.

12 Section 4. (a) All powers, duties, responsibilities,
13 and functions of, and all related records, property, equipment
14 of, and all rights, obligations of, and unexpended balances of
15 appropriations, grants, and contracts, including federal and
16 other funds or allocations for the fiscal year ending
17 September 30, 2003, of the workforce development program of
18 the various agencies shall be transferred to the Postsecondary
19 Education Department.

20 (b) All funds, including federal and other funds,
21 appropriated, granted, or contracted to the various agencies
22 for the fiscal year ending September 30, 2003, and any fiscal
23 year thereafter, for workforce development programs and the
24 components of those programs shall be transferred to the
25 Postsecondary Education Department for its use during that
26 fiscal year under the same terms and conditions as specified
27 for those funds in any appropriation act, grant, or contract,

1 or as otherwise specified by law. All state and federal funds
2 appropriated to and administered by the Postsecondary
3 Education Department shall be retained for appropriate use
4 annually and in succeeding years to ensure the continuation of
5 workforce training programs and the orderly operation of the
6 Postsecondary Education Department without disruption,
7 notwithstanding any act to the contrary.

8 (c) All probationary and nonprobationary employees
9 of those programs and the components of programs shall be
10 transferred to the Postsecondary Education Department on the
11 effective date of this act to a probationary or
12 nonprobationary employee classification commensurate with the
13 level of each respective employee's classification on the date
14 prior to the transfer.

15 (d) Any probationary or nonprobationary employee
16 transferred under this act shall be entitled to the due
17 process rights provided under the Fair Dismissal Act as
18 provided in Article 4, Chapter 26, Title 36, Code of Alabama
19 1975, and also to all other rights and benefits to which such
20 employees were entitled before the effective date of this act,
21 including, but not limited to, the right to accumulate leave,
22 participate in the Teachers' Retirement System, and
23 consideration for annual salary increases as provided by the
24 state Merit System. No employee shall be demoted or have his
25 or her salary, position, or status adversely affected due to
26 his or her transfer or any other provision of this act.

1 (e) Upon the vacating of any of the employee
2 classifications designated under subsection (c) by any such
3 incumbents, such classifications shall cease to be
4 automatically considered nonprobationary positions and persons
5 filling such positions thereafter shall serve at the pleasure
6 of the Chancellor of the Postsecondary Education Department,
7 having the same rights, benefits, terms, conditions, and due
8 process to which other employees of the Postsecondary
9 Education Department are entitled.

10 (f) The Governor and the State Board of Education
11 shall coordinate the transfer. The director of each specified
12 agency shall assist the Chancellor and the Postsecondary
13 Education Department with the highest degree of cooperation to
14 carry out the intent and purpose of this act and to achieve an
15 orderly transition.

16 Section 5. The Chancellor of the Postsecondary
17 Education Department, after the transfer, shall direct all
18 matters involving workforce education and development programs
19 in Alabama in conformance with state and federal law and the
20 policies of the State Board of Education. All responsibilities
21 related to education and training for workforce development,
22 including, but not limited to, that previously vested with the
23 Alabama Department of Economic and Community Affairs, the
24 Alabama Department of Industrial Relations, the Alabama
25 Department of Education, or the Alabama Department of Human
26 Resources shall be vested with the Chancellor of the
27 Postsecondary Education Department.

1 Section 6. The State Board of Education shall
2 promulgate rules and regulations governing the operation of
3 workforce education and development programs in Alabama. The
4 authority and responsibility for operation and management of
5 the programs shall be vested with the Chancellor of the
6 Postsecondary Education Department, subject to the approval of
7 the board. The Chancellor shall comply with all federal
8 requirements for qualifying for and receiving federal funds
9 for workforce education and development programs including the
10 Workforce Investment Act of 1998, Trade Acts, and any other
11 current and future federal programs related to workforce
12 education and development.

13 Section 7. The Governor, the state Comptroller, the
14 directors of the affected agencies, and the State Board of
15 Education shall take all administrative action, including the
16 transfer of funds, appropriate and necessary to carry out the
17 intent and purpose of this act.

18 Section 8. The provisions of this act are severable.
19 If any part of this act is declared invalid or
20 unconstitutional, that declaration shall not affect the part
21 which remains.

22 Section 9. All laws or parts of laws which conflict
23 with this act are repealed.

24 Section 10. This act shall become effective
25 immediately upon its passage and approval by the Governor, or
26 its otherwise becoming law.